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Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Working Group on Contemporary Forms
of Slavery
Sixteenth session
29 July-2 August 1991
Items 4 and 5 of the provisional agenda

PREVENTION OF TRAFFIC IN PERSONS AND THE EXPLOITATION OF THE PROSTITUTION OF OTHERS

REVIEW OF DEVELOPMENTS IN OTHER FIELDS OF CONTEMPORARY FORMS OF SLAVERY

Information submitted by Governments, United Nations organs, specialized agencies and intergovernmental organizations

Note by the Secretary-General

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I. Introduction

1. By its decision 16 (LVI) of 17 May 1974, the Economic and Social Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish a five-member working group to review developments in the field of the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others as defined in the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949.

2. The Sub-Commission, by resolution 1988/31, approved the programme of work of the Working Group for the period 1989-1991, which was revised by Sub-Commission resolution 1990/3. The programme of work (contained in chapter VI of the report of the Working Group on its thirteenth session (E/CN.4/Sub.2/1988/32)) included three main themes to be discussed in successive years: prevention of the sale of children, of prostitution of children and of the use of children in pornography (1989); eradication of the exploitation of child labour and of debt bondage (1990); and prevention of traffic in persons and of the exploitation of the prostitution of others (1991).

3. A note verbale and a letter dated 28 December 1990 were sent by the Secretary-General, respectively, to all States and to United Nations organs, specialized agencies and intergovernmental organizations concerned, inviting them to submit information to the Working Group on Contemporary Forms of Slavery and drawing their attention to the main theme, prevention of traffic in persons and of the exploitation of the prostitution of others, to be singled out for discussion at the sixteenth session of the Working Group, in 1991.

4. By 1 May 1991, the Governments of Austria, Barbados, Brunei Darussalam, Colombia, Egypt, Pakistan, Rwanda, Tunisia and Tuvalu had submitted their communications. A summary of substantial replies is reproduced below.*

5. Additional replies, if any, will be published in addenda to the present document.

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* The full texts of the replies are available for consultation in the Secretariat files.

II. Information received from States

AUSTRIA

[18 March 1991]
[Original: English]

1. Within the framework of the Council of Europe, Austria has taken an active part in the deliberations of the Select Committee of Experts on Sexual Exploitation, Pornography and Prostitution of, and Trafficking in, Children and Young Adults. These deliberations led to the finalization of a draft recommendation on the subject matter, to be submitted to the next plenary session of the European Committee on Crime Problems for adoption.

2. Furthermore, a special commission of the Hague Conference on International Private Law is currently entrusted with the task of drafting a comprehensive agreement on international cooperation and protection of children with respect to international adoptions. The issues addressed in this connection include, inter alia, the examination of ways and means to prevent unlawful adoption (in particular, the problem of the sale of babies involving unlawful pecuniary advantages for third parties).

BARBADOS

[22 March 1991]
[Original: English]

The Government of Barbados fully endorses the principles of the programme of action for the prevention of the sale of children, child prostitution and child pornography. Many of these principles are of particular relevance to programmes on child abuse, adoption and foster care which have been adopted by the Barbados Child Care Board. There is no indication that the sale of children exists in Barbados. The Government is presently formulating legislation to protect children from exploitation through the making and sale of indecent photographs and matters related thereto.

BRUNEI DARUSSALAM

[11 March 1991]
[Original: English]

As regards the prevention of traffic in persons and the exploitation of the prostitution of others the Ministry of Foreign Affairs wishes to inform that the appropriate authorities in Brunei Darussalam have so far succeeded in preventing those illicit activities mentioned and offenders are being referred to courts of law for the purpose of prosecution in accordance with the existing legislation. Further measures will continue to be taken to combat the said activities.

COLOMBIA

[20 March 1991]
[Original: Spanish]

With regard to item 2 of the Programme of Work, concerning the prevention of traffic in persons and exploitation of the prostitution of others, Chapter V of the Colombian Penal Code, entitled "Procuring", provides for the following penalties:

"Article 308. Inducement to prostitution. A person who, for purposes of profit or to gratify the desires of another person, induces a person of decent behaviour to engage in carnal intercourse or prostitution shall be liable to imprisonment for a term of one to three years.

Article 309. Coercion into prostitution. A person who, for the purposes of gain or to gratify the desires of another person, coerces a person of decent behaviour into engaging in carnal intercourse or prostitution shall be liable to imprisonment for a term of two to seven years.

Article 310. Circumstances aggravating punishment. The penalty for the offences described in the foregoing articles shall be increased by one third to one half in the following cases:

(1) If the offence is perpetrated against a person under 14 years of age;

(2) In the circumstances described in article 306 (3);

(3) If the conduct takes place for the purpose of taking the victim abroad.

Article 311. Traffic in women and children. A person who promotes or facilitates the entry into or exit from Colombia of a woman or of a minor of either sex for the purpose of their engaging in prostitution shall be liable to imprisonment for a term of two to six years and to a fine of 10,000 to 100,000 pesos.

Article 312. Inciting minors to prostitution. A person who uses a house or establishment for the performance of sexual acts in which children of under 14 years of age participate shall be liable to imprisonment for a term of six months to four years."

In addition, traffic in persons and exploitation of the prostitution of others, as one of the contemporary forms of slavery, are dealt with in article 22 of our Constitution, which prohibits slavery in Colombia.

With regard to item 3 of the Programme, which concerns other contemporary forms of slavery such as the sale of children, child prostitution and child pornography, exploitation of child labour and child soldiers, I attach a copy of the note sent on 25 January 1991 to Mr. Vitit Muntarbhorn, Special Rapporteur of the Commission on Human Rights on the question of the sale of children, child prostitution, child pornography and the question of the adoption of children for commercial purposes, which describes the policies and legislation adopted in Colombia for the prevention of such violations of the rights of children.

In this connection, it should merely be added with regard to the question of the recruitment of minors into the Government Armed Forces, that, under Act No. 1 (a) of 1945, all Colombian males between the ages of 18 and 50 must perform military service. No children or minors are members of the Colombian armed forces, and recruitment is conducted in accordance with the above-mentioned Act and the provisions of Decree No. 1393 of 1956.

As for the slavery-like practices of apartheid and colonialism, we respectfully suggest that reference be made to the first report of Colombia on the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid, submitted to the Group of Three of the Commission on Human Rights in February of this year.

EGYPT

[26 March 1991]
[Original: Arabic]

1. Discrimination between boys and girls, which is first observed in early childhood in regard to nutrition, education and the distribution of roles, for example, and which implants in the minds of children the belief that boys are superior to girls from the standpoint of their mental and intellectual capabilities. A public information campaign should therefore be undertaken at the national level in order to eliminate this discrimination.

2. The continuation of discrimination against women, who are unable to enjoy their constitutional rights because, although laws and legislation guarantee equality between men and women in the fields of employment, education and ancillary services, the manner in which these laws are actually applied reveals the existence of a deep disparity between the sexes. For example, we find that, although women constitute half of the population, the female proportion of the national labour force amounts to less than a quarter. This is largely due to the narrow-mindedness of some employers who frankly refuse to recruit women. Moreover, ... (line missing from the Arabic text) ... as provided by law, such as the establishment of nurseries for the children of female workers.

A country-wide endeavour must be made to stimulate public awareness of the important role of women in the development process, as well as the fact that the services that provide care for children or help women to reconcile employment with their family role constitute services for the family as a whole and not solely for women.

PAKISTAN

[28 November 1990]
[Original: English]

1. Under Article 11 of the Constitution of the Islamic Republic of Pakistan, slavery stands forbidden and no law shall permit or facilitate its introduction into Pakistan in any form; all forms of forced labour and traffic in human beings are prohibited. The said Article further guarantees that no child below the age of 14 years shall be engaged in any factory or mine or any other hazardous employment.

2. Under the penal law of Pakistan, the selling or buying a person (including children) for the purpose of prostitution or illicit intercourse is punishable with the longest term of imprisonment i.e. imprisonment for life which means 25 years. Kidnapping or abduction in order to subject a person or for that matter any child to unnatural lust is punishable with death or rigorous imprisonment for a term which may extend to 25 years (sections 12, 13 and 14 of the Offence of Zina (Enforcement of Hudood) Ordinance, 1979). Kidnapping or abduction of children under the age of 14 years for the purpose of slavery or to the lust of any person is punishable with death or with imprisonment for life or with rigorous imprisonment for a term which may extend to 14 years (section 364A Pakistan Penal Code). The inducement of a minor girl with a view to force or seduce her to illicit intercourse is punishable with imprisonment which may extend to 10 years and fine (section 366A PPC). Importation of young girls into Pakistan from any foreign country for the purpose of illicit intercourse is also punishable with imprisonment which may extend to 10 years and fine (section 366B PPC). Buying or disposing or selling of any person and for that matter any child for the purpose of slavery is punishable with imprisonment of either description for a term which may extend to seven years or fine (section 370 PPC).

3. Sale, distribution or publicity of any book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever, is punishable with imprisonment of either description for a term which may extend to three months, or with fine, or with both (section 292 PPC). The sale, distribution and exhibition or circulation of such obscene object as aforesaid to young persons is punishable with imprisonment of either description for a term which may extend to six months or with fine or with both (section 293 PPC).

4. The transmission by post of any indecent or obscene printing, painting, photograph, lithograph, book or card, or any other indecent article is prohibited under section 20 of the Post Office Act, 1898, and is liable to detention.

5. The legislation for abolition of bonded labour system including the bonded labour in children is also in process.

6. The laws in force in Pakistan have already adequate provisions to control the sale of children, child prostitution and child pornography and we do not think there is any need for further legislation, at least, for the time being.

RWANDA

[28 January 1991]
[Original: French]

Sale of children

1. The sale of children is not a crime under Rwandese law, since this phenomenon is unknown in Rwandese society. However, the Rwandese Republic firmly supports all those who are fighting to eliminate this scourge to which many children fall victim in some parts of the world. It was partly for this reason that the Government of Rwanda signed and ratified the Convention on the Rights of the Child which, in its article 35 in particular, deals with the prevention of the abduction, sale or traffic in children.

Child prostitution and child pornography

2. In the case of prostitution, the Criminal Code of Rwanda punishes any person who encourages prostitution or who exploits the prostitution of adults or of minors. However, the prescribed penalties are doubled when the offence is committed against a person under the age of 18. A copy of the relevant legislation is appended.

3. As in the case of the sale of children, child pornography does not exist in Rwanda.

4. Nor does the problem of the adoption of children for commercial purposes exist in our country.

TUNISIA

[26 March 1991]
[Original: French]

Prevention of traffic in persons and the exploitation of the prostitution of others

1. Since prostitution and its accompanying evil, i.e. traffic in persons for purposes of prostitution, are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community, Tunisian positive law has vigorously punished such practices. Various cases are covered by the Criminal Code.

2. Women who, by their actions or their words, offer themselves to passers-by or engage in prostitution even on an occasional basis are liable to imprisonment for a term of six months to two years and to a fine of 20 to 200 dinars. Any person having sexual relations with such women is regarded as an accomplice and liable to the same penalties (art. 231).

3. Any man or woman is regarded as a procurer and liable to imprisonment for a term of one to three years and to a fine of 100 to 500 dinars if he or she:

(a) Knowingly and in any way at all aids, protects or is involved in the prostitution of others or in soliciting with a view to prostitution;

(b) Shares in any form at all in the proceeds of the prostitution of others or receives payments from a person engaging habitually in prostitution;

(c) Knowingly lives with a person engaging habitually in prostitution and cannot demonstrate sufficient resources to support himself or herself alone;

(d) Procures, induces or maintains with a view to prostitution any person including persons of legal age, even with his or her consent, or forces such a person to engage in prostitution or debauchery;

(e) Acts as an intermediary, on any basis, between persons engaging in prostitution or debauchery and persons who exploit or pay for the prostitution or debauchery of others (art. 232).

4. The penalty is imprisonment for a period of three to five years and a fine of 500 to 1,000 dinars if:

(a) The offence is committed against a minor;

(b) The offence is accompanied by compulsion, abuse of authority or rape;

(c) The offender carries an unconcealed or concealed weapon;

(d) The offender is the spouse, ascendant or guardian of the victim or has authority over the victim, or if he is the victim's employer, or if he is a teacher, civil servant or minister of religion, or if he is assisted by one or more persons (art. 233).

5. The penalties prescribed in articles 232 and 233 of the Criminal Code are imposed even when the various acts constituting the offences are performed in different countries. In addition, persons convicted of the above-mentioned offences are liable to banishment from their local area for a maximum period of 10 years (art. 235).

Child prostitution

6. The Criminal Code provides that "any person who offends public morality by inciting, promoting or facilitating the debauchery or corruption of minors of either sex shall be liable to imprisonment for a period of one to three years and to a fine of 100 to 500 dinars" (art. 234).

7. In addition, the order of 30 April 1942 governing prostitution in the Regency, forbids the proprietors of houses of prostitution "to admit minors of either sex" or "to admit to or keep in their houses children over the age of two" (art. 21, paras. 4 and 9).

Exploitation of child labour

8. In Tunisia the minimum working age is 18 years. However, in view of the advantages of giving young people vocational training to enable them to acquire a skill, the legislature has set a minimum age for the employment of young people as apprentices. This age is 15 years in industrial enterprises. In agriculture, the minimum age is lowered to 13 years provided that the work is not harmful to the health or moral development of the children and that their school attendance is not affected (arts. 53 and 55 of the Labour Code).

Sale of children and debt bondage

9. These practices are not known in Tunisia. Furthermore, Tunisian law prohibits imprisonment for contractual debt; there is no penalty of detention for persons unable to meet their contractual obligations. In fact, the Code of Civil and Commercial Procedure provides only for distraint on the debtor's property.

"Child soldiers"

10. This phenomenon does not exist in Tunisia. In fact, only citizens aged at least 20 years are liable to perform national service (military service). Furthermore, dispensations may be granted in respect of verified physical incapacity (art. 1 of Law No. 86-27 of 2 May 1986 concerning national service, as amended by Law No. 87-58 of 13 November 1987).

Slavery and the slave trade

11. The abolition of slavery in Tunisia dates back to the nineteenth century when, by decree of 23 January 1846 penal sanctions were imposed on all persons convicted of engaging in the slave trade.

Independent Tunisia, which has proclaimed its commitment to "human dignity, justice and freedom" (preamble to the Constitution) and has guaranteed "the inviolability of the human person", acceded in 1966 to the Slavery Convention of 25 September 1926, as amended by the Protocol of 7 December 1953, and to the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of September 1956. Tunisia's accession to these conventions is confirmation that slavery has disappeared.

Slavery-like practices of apartheid and colonialism

12. The preamble to the Tunisian Constitution proclaims the will of the Tunisian people to "uphold the human values that are the common heritage of peoples who are committed to human dignity, justice and freedom". Also, in articles 5 et seq., the Tunisian Constitution sets forth the fundamental human rights and freedoms. These rights, which are recognized and guaranteed under the Constitution, apply to everyone, without discrimination or reference to race, religion, political or other opinion, national or social origins, wealth or birth.

13. The Constitution provides:

Under article 5, for the guarantee of the dignity of the individual, freedom of conscience, and freedom to practise religion;

Under article 6, for equality of all citizens with respect to their rights and duties and equality before the law;

Under article 7, for the exercise by all citizens of their full rights;

Under article 8, for the guarantee of the freedoms of opinion, expression, press, publication, assembly and association;

Under article 9, for the guarantee of inviolability of the home and confidentiality of correspondence;

Under article 10, for the right of every citizen to move about freely within the territory, to leave it and to choose his residence;

Under article 11, for a prohibition on banishment of a citizen or on preventing him from returning to his country;

Under article 12, for a presumption of innocence for any accused person until he has been proved guilty in proceedings that afford the guarantees essential for his defence;

Under article 13, for the principle of the personal nature of the penalty and of the non-retroactivity of laws.

14. Furthermore, the Tunisian Constitution has moved beyond the traditional approach to public freedoms and has adopted the modern approach, vesting the political democracy which it proclaims with an economic and social content. For instance, in addition to the traditional rights proclaimed since 1789, it affirms economic and social rights such as the right to education, the right to work, and the right to health. Article 8 guarantees trade union rights while article 16 guarantees payment of taxes and contributions to public expenditure on an equitable basis.

15. Tunisia has also acceded to a number of conventions relating to human rights and in particular to those relating to non-discrimination. These conventions, which have been incorporated into its internal law and rank higher in authority than that law (under article 32 of the Constitution), confirm and clarify the prohibition of different forms of discrimination. Listed below are some of the conventions ratified by Tunisia:

The International Convention on the Elimination of All Forms of Racial Discrimination (ratified in 1966);

The Convention against Discrimination in Education, adopted by the UNESCO General Conference (ratified in 1969);

The Convention on the Elimination of All Forms of Discrimination against Women (ratified in 1985);

The Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (ratified in 1966);

The International Covenant on Civil and Political Rights (accession in 1969);

ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation (ratified in 1959).

16. The Tunisian Constitution further affirms the will of the Tunisian people to "remain faithful ... to cooperation with peoples fighting for justice and freedom". It should be noted in this connection that Tunisia has provided all peoples struggling for their independence and against apartheid with multi-faceted aid at the political and diplomatic as well as the financial and material levels.

TUVALU [21 February 1991]
[Original: English]

The Constitution of Tuvalu, with certain qualifications, states that no one shall be held in slavery or servitude, or be required to perform forced labour. Forced labour does not, inter alia, include (i) labour required by or in consequence of the sentence or order of a court; (ii) in the case of a person under the age of 18 years - labour required in the reasonable exercise of the authority of a parent, teacher or guardian; or (iii) labour reasonably required as part of reasonable and normal traditional, communal or civic obligations or in the event of conscientious objection to the performance of such obligations, the rendering of equivalent service of benefit to the community failing which exclusion from any benefit from the performance of such obligations. The Employment Act forbids the employment of children under the age of 14, and restricts young persons up to 18 years of age from certain employments.

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CHINA

[16 April 1991]
[Original: Chinese]

1. In the 30 years after the foundation of the People's Republic of China, the criminal practice of trading in people was utterly stamped out in China. At the beginning of the 1970s there was a major resurgence in the practice. Since the 1980s the abduction and sale of people have spread; the vast majority of those abducted and sold appear to be children and rural women.

2. Abducting and selling people is not tolerated under Chinese law. Article 141 of the Penal Code states that abductors can be sentenced to up to five years' imprisonment, and in serious cases to over five years. Article 184 states that anyone who abducts a boy or girl under the age of 14 from his/her home or guardians is punishable by up to five years' imprisonment or forced labour. In order to suppress the criminal traffic in people more firmly, the Standing Committee of the National People's Congress in 1983 passed a "resolution on severe punishment for criminal elements gravely imperilling social order" which states that the ringleaders of an abduction gang, where the circumstances of an abduction are especially grave, may be sentenced to more than the maximum penalty perscribed by the Penal Code, up to and including the death penalty.

3. The Chinese law enforcement authorities are cracking down on and dealing with anyone who by deceit, inducement or force abducts a woman or child for profit, in accordance with the law. Those who acquire women or children are subjected to stern criticism and education, and any who have broken the criminal law are dealt with as the law prescribes. In places where the criminal abduction of women and children is relatively widespread the competent authorities have launched educational programmes to spread the notion of legality, give grass-roots cadres and the broad masses a greater sense of the legal system, teach women not be be duped, and combat illegal and criminal activities with legal weapons.

4. Prostitution is a phenomenon of a decadent society. Not only does it discriminate against and enslave women, doing them terrible physical and mental harm, it also poisons the atmosphere and spreads venereal disease, encourages crime and endangers future generations. The Chinese Government is resolutely opposed to it. After the new China was founded, the Government took decisive action to ban and suppress prostitution. After some years of effort, prostitution was utterly extirpated. By 1964, venereal disease had been wiped out. In recent years prostitution has re-emerged in some Chinese coastal cities, but it does not constitute a serious social problem.

5. The Chinese Government has always strictly prohibited prostitution and has taken a series of forceful steps to deal with it. The most important include:

(a) Strictly banning prostitution and whoring by legislation. The Penal Codes states: "Any person who forces a woman into prostitution shall be

liable to not less than three or more than ten years' imprisonment", and "Any person who for gain induces or permits a woman to engage in prostitution shall be liable to up to 5 years' imprisonment, forced labour or surveillance; in serious cases, they shall be liable to five or more years' imprisonment and may be subject to a fine or confiscation of property." The resolution on severe punishment for criminal elements gravely imperilling social order, passed by the Standing Committee of the National People's Congress in 1983, states that "Anyone who induces, permits or forces a woman to engage in prostitution may, when the circumstances are especially grave, be sentenced to more than the maximum penalty prescribed by the Penal Code, up to and including the death penalty." The rules on punishment for offences against public order state that "Prostitution and the frequenting of unregistered prostitutes are strictly prohibited. Violators will be liable to up to 15 days' detention, a caution, an order to make a due show of contrition, or re-education through labour as provided for by regulation, and may be fined up to 5,000 yuan; those who have committed a criminal offence must be investigated and held accountable in accordance with the law. The taking as a prostitute of a girl under the age of 14 shall, in accordance with article 139 of the Penal Code, be regarded and punished as rape." The Chinese law enforcement authorities deal with the people they detect engaging in prostitution and whoring in accordance with the above legislation.

(b) Active remedial education for prostitutes organized by the relevant Chinese ministries. At present, education and reception centres are being built in some large and medium-sized cities to provide centralized education and treatment of venereal diseases for unreformed unregistered prostitutes and their clients. They also mobilize all available social forces to advance these women's education, and may even help them cope with the problems they encounter at work, at home, in their marriages and in their daily lives.

(c) Constant efforts throughout the country to ferret out books, periodicals and recordings advocating pornography, violence or otherwise containing material injurious to young people, and to cleanse the social environment.

(d) The active development of general instruction about the law, to heighten the masses' sense of legality.

(e) The use by the competent authorities of all news media, special exhibitions, etc., to spread information about the prevention and treatment of venereal disease and AIDS and induce people consciously to resist prostitution and whoring.

CUBA

[18 April 1991]
[Original: Spanish]

1. The Constitution of the Republic of Cuba states in its preamble:

"that all the regimes of exploitation of man by man cause the humiliation of the exploited and the degradation of the human nature of the exploiters;

that only under socialism and communism, when man has been freed from all forms of exploitation - slavery, servitude and capitalism - can the full dignity of the human being be attained; and

that our Revolution uplifted the dignity of the country and of Cubans".

It also declares:

"our will that the laws of the laws of the Republic be guided by the following strong desire of José Martí, at last achieved:

> I want the fundamental law of our Repubic to be the tribute of Cubans to the full dignity of man".

2. Article 8 of the Constitution establishes that the State:

"guarantees the liberty and the full dignity of man, the enjoyment of his rights, the exercise and fulfilment of his duties and the integral development of his personality;

consolidates the ideology and the rules of living together and of conduct proper to a society free from the exploitation of man by man".

3. Our criminal code does not need to refer specifically to slavery; however, the Penal Code (Act No. 62 of 29 December 1987), as a source of positive law, describes as offences and punishes apartheid and genocide as crimes against humanity, human dignity and collective well-being, repudiated by the international legal conscience and prosecutable under international treaties;

"ARTICLE 116. 1. The penalty of deprivation of liberty for 10 to 20 years or death shall be incurred by anyone who, with the intention of destroying, totally or partially a national, ethnic, racial or religious group as such:

(a) subjects this group to living conditions which constitute a threat of extermination of the group or of some of its members;

(b) takes measures to impede or prevent births within the group;

(c) carries out the forcible transfer of children of that group to another;

(d) brings about the killing or seriously impairs the physical or mental integrity of members of the group;

2. The same penalty is incurred by anyone who, in violation of the rules of international law, bombards, machine-guns or behaves with extreme cruelty to the defenceless civilian population."

"ARTICLE 120. 1. The penalty of deprivation of liberty for 10 to 20 years or death shall be incurred by persons who, with the purpose of establishing and maintaining the domination of one racial group over another and in accordance with policies of extermination, segregation and racial discrimination:

(a) deny members of this group the right to life and freedom by murdering them; by serious attacks against physical or mental integrity, freedom or dignity; by torture or cruel, inhuman or degrading treatment or punishment; arbitrary detention and unlawful imprisonment;

(b) impose on the group legislative and other measures designed to prevent their participation in the political, social, economic and cultural life of the country and to create deliberately conditions which prevent their full development, denying its members fundamental rights and freedoms;

(c) divide the population in accordance with racial criteria, creating reserves and ghettos, forbidding marriage between members of different racial groups and expropriating their property;

(d) exploit the work of the members of the group, in particular by subjecting them to forced labour;

2. If the act consists of persecuting or harassing in any way organizations and individuals who oppose apartheid, or combat it, the penalty is deprivation of liberty for 10 to 20 years;

3. Responsibility for the acts specified in the above paragraphs is exigible independently of the country in which the culprits act or reside and extends, whatever the motive, to individuals, members of organizations and institutions and representatives of the State."

4. The international instruments on slavery and other related questions to which Cuba is a party, are listed below:

(a) International Convention on the Elimination of All Forms of Racial Discrimination, ratified by Cuba on 15 February 1972;

(b) International Convention on the Suppression and Punishment of the Crime of Apartheid. Cuba acceded to this Convention on 1 February 1977;

(c) Convention on the Elimination of All Forms of Discrimination against Women, ratified by Cuba on 17 July 1980;

(d) International Convention against Apartheid in Sports, ratified by Cuba on 11 December 1990;

(e) Protocol amending the International Convention for the Suppression of the Traffic in Women and Children of 30 September 1921 and the International Convention for the Suppression of the Traffic in Women of Full Age of 11 October 1933, ratified by Cuba on 21 November 1949;

(f) Protocol amending the International Agreement for the Suppression of the White Slave Trade of 18 May 1904 and the International Agreement for the Suppression of the White Slave Trade of 4 May 1910, ratified by Cuba on 4 August 1965;

(g) Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, opened for signature in New York on 21 March 1950. Cuba acceded to this Convention on 4 September 1952.

EGYPT

[11 April 1991]
[Original: Arabic]

A. Child labour

1. Article 124 of the Labour Act No. 91 of 1959 places age restrictions on the employment of young persons. It stipulates that no child under 12 years of age may be employed under any circumstances and sets this minimum age at 15 years in some hazardous industries. Their working hours must not exceed seven consecutive hours, interrupted by a rest period of not less than one hour, and it is prohibited to employ children on night work between 7 p.m. and 6 a.m. It is also prohibited to employ young persons on overtime.

2. Hazardous types of work on which young persons cannot be employed are determined by decision of the Minister for Social Affairs.

3. Young persons working in private family activities of an agricultural or industrial nature are exempted from the above provisions on the understanding that their parents are capable of protecting them.

4. Articles 37 to 41 of the Labour Act contain provisions concerning the employment of young persons for the purpose of teaching them a trade or profession, subject to the fulfilment of conditions designed to protect the rights of young working persons or apprentices.

B. Children deprived of family care

5. Ministerial Decision No. 17 of 1968 concerning the system of foster families, as amended by Decision No. 181 of 1981, sought to ensure family care for children deprived thereof for various reasons. The total number of foster families throughout the Republic currently amounts to 3,383.

6. Ministerial Decision No. 63 of 1976, concerning children's hostels, makes provision for children to be cared for in such institutions whenever it proves impossible to find foster families to look after them. At the present time, a total of 4,855 children of both sexes are being cared for in these institutions.

C. Services for children

7. Nurseries are regulated by Act No. 50 of 1977 and Ministerial Decision No. 207 of 1978, which contains a set of model statutes for nurseries. There are currently 4,400 nurseries operating, with a total enrolment of 400,000 children.

8. Host families are regulated by Ministerial Decision No. 309 of 1972, concerning the welfare of the children of working mothers.

9. Children's clubs are operated in accordance with Ministerial Decision No. 176 of 1982. There are currently 203 such clubs, with a total enrolment of 27,225 children.

10. A children's libraries project began in 1985 and there are now 117 libraries from which 11,700 children benefit every year.

11. Other projects are also being implemented to safeguard the rights of family members. For example, there are family guidance and advice offices which endeavour to solve family and marital problems and protect the rights of all the parties involved. These offices are regulated by Ministerial Decision No. 483 of 1976, which contains model statutes therefor. There are currently 80 such offices distributed throughout the Republic, from which 8,379 families benefit every year.

12. We wish to point out that phenomena such as the exploitation or conscription of young children constitute violations of human rights and are unknown in Egyptian society.

FRANCE

[16 May 1991]
[Original: French]

A. Prostitution and traffic in women

1. States parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

2. Respecting the spirit of the abolitionist system of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 2 December 1949, ratified by France on 28 July 1960, the regulation of prostitution is virtually non-existent and procuring is punished very severely. Article 6 of the 1949 Convention prescribes that no discriminatory or extraordinary control measure may be taken against persons engaging in prostitution. Thus, there is no constraint on prostitution, apart from the provisions of articles R34.13 and R40.11 of the Penal Code which punish soliciting in a public place. The situation of prostitution is not subject to the authority of the police which at the very most can limit its growth or prevent it from taking forms which are too blatant in relation to accepted standards of behaviour.

3. The abolitionist system of the 1949 Convention has nevertheless led to a considerable increase in procuring. At the present time, in France, 99 per cent of prostitutes are subject to some form of procuring or constraint. By way of reaction, for several decades, even before the Convention on the Elimination of All Forms of Discrimination against Women prescribed it in article 6, France has made very considerable efforts to combat procuring.

4. French legislation in this sphere is very comprehensive, reflecting the will to assure effective punishment by providing the police and the justice system with the requisite means of action. Accordingly, articles 334 and 335 of the Penal Code have been strengthened by the Act of 11 July 1975, mainly in respect of indirect procuring and by that of 2 February 1981, considerably increasing the amount of the fines incurred. The Act of 9 September 1986 (art. 266 of the Penal Code) established the charge of association or conspiracy with a view to commit the offence of procuring which further extends the sphere of application of the punishment.

5. Very numerous police forces are assigned to combat procuring. The judicial police has three units that are fully specialized in anti-procuring activities. These are the Central Office for the Suppression of the Traffic in Persons, the Squad for the Suppression of the Traffic in Persons of the District Headquarters of the Judicial Police (DRPJ) of Paris and the Squad for the Suppression of the Traffic in Persons of the Regional Service of the Judicial Police (SRPJ) of Marseilles, making a total of 105 officials. Moreover, the suppression of procuring is one of the tasks assigned to the Anti-Crime Groups of the SRPJ and the Highways Patrols of the Divisions of the Judicial Police of the Paris region. Depending on local needs, 32 officials in the provinces and 30 in the Paris region are, at the present time, more specifically assigned with this task of suppression.

6. As far as public security is concerned, 81 officials are currently specialists in the Services for Social Protection and Preservation (the SPPS, formerly the "Vice-Squads") of the urban police.

7. Thus, a total of 248 officials in the national police have as their main task the suppression of the traffic in persons, it being understood that all inspectors or police officers in charge of investigations assigned to the SRPJ or the urban police may assist in this task of suppression.

8. The Gendarmerie (which is answerable to the Ministry of Defence) does not have any unit specializing in anti-procuring activities, but all personnel of the Departmental Gendarmerie are involved in collecting information on the question and important cases are dealt with by the personnel of specialized units (Investigation Sections or Squads).

9. Activities to combat the "traffic in women" by procurers is also a matter of considerable concern. International cooperation, particularly with Germany, has led to a number of successes and has made it possible to dismantle transnational networks.

10. Finally, the Office of the Minister of State responsible for the rights of women is conducting a campaign against exploitation of prostitution of women, mainly by measures to assist the social reintegration of prostitutes. To this end, activities of two kinds are involved:

(a) Substantial financial assistance in the form of subsidies by the Office of the Minister of State to associations whose mission is to inform, assist and provide accommodation for women;

(b) Active participation by the Office of the Minister of State to the Departmental Commissions encompassing the associations, the Ministries concerned (Interior, Education, Women's Rights), the National Employment Agency (ANPE), local elected representatives, etc.

11. The purpose of these Commissions is to establish a report on the specific problems encountered in each department, to consider the resources mobilized in the context of established needs and to introduce as part of the social activities conducted on behalf of populations in difficulty measures to promote the reintegration of persons who are prostitutes or in danger of becoming prostitutes.

B. Exploitation of children

1. At the national level

(a) Ministerial departments

1. In France, a number of ministerial departments are involved in combating sexual exploitation and the sale of children:

(a) The Office of the Minister of State for the Family, responsible, in particular, for coordinating preparations to bring French legislation into line with the provisions of the Convention on the Rights of the Child. Its address is 8 Avenue de Ségur, 75007 Paris;

(b) The International Adoption Office within the Ministry of Foreign Affairs, 23 rue La Pérouse, 75016 Paris;

(c) Ministry of Justice: Office for International Legal Cooperation; Directorate of Judicial Protection of Young Persons, Directorate of Criminal Cases and Pardons: 13 Place Vendôme, 75042 Paris Cedex 01;

(d) Ministry of Social Affairs and Solidarity, Division of the Family, Children and Social Affairs, 124 rue Sadi Carnot, 92170 Vanves;

(e) Ministry of Labour, Employment and Vocational Training, Interministerial Office for the vocational and social integration of young persons: 127 rue de Grenelle, 75007 Paris. Its local offices provide information and advice for young people of 16 and over. Division of International Relations: 8 Avenue de Ségur, 75007 Paris;

(f) Ministry of the Interior, Department of Public Liberties and Legal Affairs, Office for Social Welfare and Protection, which vets publications dangerous for young people, and monitors measures to combat procuring: 78 rue Olivier de Sèvres, 75015 Paris;

(g) Ministry of National Education, Youth and Sport: 110 rue de Grenelle, 75007 Paris;

(h) Ministry of Urban Affairs;

(i) The Interministerial Office on Urban Affairs and Urban Social Development: 10-12 rue du Capitaine Ménard, 75015 Paris;

(j) The Prefecture of Police, Judicial Police Department, Child Protection Squad: 12 quai de Guesvres, 75004 Paris;

(k) The General Office against Drug Abuse: 71 rue Saint Dominique, 75007 Paris;

(l) The Office for Information on Bio-ethics: 35 rue Saint Dominique, 75007 Paris, which is also responsible for matters relating to the sale of human organs.

(b) Other agencies

2. Other competent bodies:

(a) The National Council on Population and the Family. This body, established by decree in 1975, is chaired by the President of the Republic and keeps the President abreast of developments concerning the family: 1 place de Fontenoy, 75007 Paris;

(b) The International Centre for Children, an institution created under French law with its headquarters in Paris, which deals with training and advanced training courses for those responsible for children in the developing countries;

(c) The National Advisory Committee on Human Rights is a body which brings together the non-governmental organizations active in this field together with the principal trade union federations, public figures and officials representing the relevant ministries, and which forwards its views to the Prime Minister. It has taken up this question and is working to bring French legislation into line with the provisions of the Convention, especially as regards protection against all forms of violence and exploitation, and the question of international adoption: 57 rue de Varenne, 75007 Paris.

(d) The French Committee for UNICEF, which has the main responsibility for publicizing the Convention in France: 35 rue Félicien David, Paris 16ème.

(e) The Institute for Children and the Family (IDEF) (director: Mr. Rosenczveig): 3 rue Coq Héron, 75001 Paris. This is a national public institution which was founded in 1984 to develop and disseminate knowledge about children and the family;

(f) The NGOs concerned with the question are members of the "group of French organizations on the Convention on the Rights of the Child". They include the Association against Child Prostitution (76 rue de la Vénerie, 75004 Paris), and the Catholic International Office for Children (19 rue de Varenne, 75007 Paris) which has prepared a report on children and pornography.

(c) International adoption and the sale of children

3. Since the early 1980s, the French have shown an increasing tendency to adopt foreign children, and these adoptions now constitute half of all adoptions:

1979: 971 visas issued to foreign children

1983: 1,546

1988: 2,441.

4. The adoption of foreign children is governed by statutory and regulatory provisions (Civil Code, arts. 343 et seq.; the Family and Social Assistance Code, arts. 63 et seq., art. 100.3) and the law of the child's country of origin. Though concerned to maintain the private character of the adoption procedure, France has also been anxious to ensure that the public authorities carry out effective checks to prevent trafficking in children in connection with international adoption; attempts at regulation have been rendered especially difficult by the interaction between a legitimate desire for children, and the fraudulent tactics of operators who engage in the sale of children. Controls have, however, been established at several levels.

(a) The authorization and licensing of intermediaries: private agencies must obtain authorization from the chairman of the departmental council, and a permit from the Ministry of Foreign Affairs (decree of 10 February 1989);

(b) Under the Family Code would-be adoptive families must also be approved by the departmental social services responsible for children (decrees No. 85.938 of 23 August 1985 and No. 88.714 of 9 May 1988);

(c) A residence visa must be issued before the child enters France.

5. The Interministerial International Adoption Office, established in December 1987, has overall responsibility for ensuring that these procedures are followed.

6. Under present legislation, the following measures are in force to combat the sale of children:

(a) Article 99 of the Family and Social Assistance Code, dealing with unauthorized intermediaries;

(b) Article 353-1 of the Penal Code, under which it is a criminal offence punishable by 10 days' or 6 months' imprisonment, to obtain children for adoption "for financial gain" or to incite parents to give up a newly-born or an expected baby, or to assist in obtaining a child for adoption;

(c) the legislative instruments concerning fraud and breach of trust;

(d) the legislative instruments concerning the kidnapping of minors.

7. France hopes for the early conclusion of bilateral agreements, in accordance with article 21 (e) of the Convention on the Rights of the Child (on the conclusion of bilateral or multilateral arrangements or agreements). It has already responded positively to a proposal from the Philippines.

8. As a member of the Hague Conference on Private International Law, France participated in its seventeenth session in June 1990 which was attended in this particular instance by representatives of the countries of origin of the children concerned, as well as by the 32 members of the Conference, with a view to the conclusion of an international convention in 1993. The idea is to ensure that these children are protected by the same guarantees and standards as those which apply in cases of national adoption.

(d) Protection against violence and exploitation

9. Generally speaking, administrative arrangements are the responsibility of the local departmental services which provide social assistance for children. These services, answerable to the elected chairman of the local council, comprise in all 52,000 staff members. During 1989-1990, several pieces of legislation were enacted to step up the existing safeguards:

(a) The Act on the prevention of child abuse and the protection of abused children (10 July 1989). This was the outcome of a campaign, launched by the Office of the Minister of State for the Family, for the prevention of child sexual abuse. Under this Act, services to protect abused children are to be organized by the chairmen of local councils, who must establish proper coordination machinery among the various parties involved. In each Department, there is a rapid intervention team to prevent and report on cases of child abuse. This Act also introduced the special "green" telephone number for "abused children", a free national telephone number which children and adults can call 24 hours a day to seek advice and help. This public service is based largely on voluntary effort. In addition, a circular of 31 March 1989, still in force, regulates the programme for preventing sexual abuse of children. It defines the aim and content of the programme, and how it is to be carried out. Under this circular, an inter-ministerial advisory group has been established at the national level, with secretarial and administrative support from the Office of the Minister of State for the Family. This group has a dual role: to reply to requests from departments, and to supply those working at the local level with publications, studies and research work to enable them to explore the issues further. This inter-ministerial group meets on a regular basis; it organized a national conference on 19 September 1990 on the theme of "sexual abuse".

(b) As regards the exploitation of children, in principle the employment of children under the age of 16 is prohibited. Exceptions, mainly in the area of apprenticeships and the performing arts, are strictly regulated. The Act of 12 July 1990 on the protection of child models requires that whenever child models are to be used for advertising and fashion purposes, approval must be obtained from a departmental youth protection committee; the failure to do so will incur penal sanctions. Where employment contracts are concerned, mention should also be made of the instruments governing the employment of children on the stage and in the itinerant professions (arts. L.211-6 et seq. of the Labour Code).

10. Children aged under 16 years may not be employed in any capacity unless permission has previously been obtained from the local prefect in the light of a favourable report by a committee of the departmental child protection council, on which the departmental Director for Employment and Labour is also represented. Similarly, in agriculture, children aged under 16 may, in certain conditions, follow introductory or practical courses in approved agricultural enterprises.

11. More specifically, the protection of children against sexual violence and exploitation involves several types of problems:

(a) Child prostitution;

(b) Pornography (publications, films, video cassettes), which may encourage sexual abuse and prostitution;

(c) Paedophilia;

(d) Minitel, which made it possible to transfer prostitution from the street to an operation involving clandestine adolescent prostitutes;

(e) Sexual tourism, against which we have few weapons.

12. Confronted with these abuses, the legal protection of young persons encompasses three categories of action:

(a) Criminal proceedings against adult procurers who use children for the purposes of prostitution, or who encourage or profit from such prostitution. Procuring is punishable under article 334 of the Penal Code; article 334-1 provides for more severe punishment for certain kinds of aggravated procuring, some forms of which are or may be related specifically to minors. This text states:

> "The penalty shall be 2 to 10 years' imprisonment and a fine of F 100,000 to F 1 million, where:
>
> (1) The offence was committed against a minor ...
>
> (8) The victims of the offence were forced into or encouraged to engage in prostitution upon their arrival or within a short period after their arrival in metropolitan France."

Prostitution is not punishable in itself; however, if the prostitute is less than 15 years old the penalties provided in article 331 (1) of the Penal Code for indecent assault committed or attempted without violence, coercion or surprise against a minor of less than 15 years of age may apply;

(b) control of publications and audiovisual materials for young persons:

(i) Under the Act of 16 July 1949 on publications for young people, a commission responsible for the supervision and control of publications intended for children and adolescents was set up within the Ministry of Justice. This commission meets four times a year to examine publications for children and adolescents. It also examines publications of any type that constitute a danger to young people by virtue of their licentious or pornographic character or their emphasis on crime, violence, racial hatred or discrimination, incitement, or on the use, possession of or trafficking in narcotic drugs. The opinions of the commission are communicated to the Ministry of the Interior, which is authorized to prohibit:

- Offering, providing or selling to minors under 18 years of age of any type of publication that constitutes a danger to young people;

- Public display in any place whatsoever of these publications and the use of advertising to publicize these publications;

- Advertising for these publications through prospectuses, classified advertisements in newspapers, circulars sent to potential customers or radio and television broadcasts.

(ii) The membership of the Film Control Board was amended by the decree of 23 February 1990 issued in application of articles 19 to 22 of the Film Industry Code and relating to the classification of films. The Ministry of Culture is responsible for issuing the authorization for exhibition following the opinion of the commission, which may even recommend that a film should be totally banned;

(iii) The decree of 18 January 1961 established the conditions for the admission of minors to cinemas;

(iv) In respect of video cassettes, article 5 of the aforementioned decree of 23 February 1990 provides that the authorization given to the film by the Ministry of the Interior must be specified on the packaging;

(c) Established by the ordinance of 23 December 1958, educational assistance is entrusted mainly to a specialized magistrate, namely, a children's judge. The legal machinery provides that where it has been established that a child is in a situation of physical or moral danger, the children's judge is authorized to intervene, at the request of the minor, his parents, the Public Prosecutor or on his own initiative. This intervention, which is provided for under the Civil Code, permits the magistrate to order educational measures which may even include placement away from the family. While endeavouring to obtain the prior consent of the family to the measures ordered, the magistrate may take action without their agreement.

13. Under the Act of 5 July 1974, the age of majority was lowered from 21 years to 18 years. However, a decree of 18 July 1975 provides for educational assistance measures for young adults.

14. In the case of young offenders (ordinance of 2 February 1945), it is also recommended that the judge order child welfare measures be taken; application of criminal penalties, which is exceptional, is authorized only for minors over 13 years of age.

15. In all cases, closed institutions are prohibited. Magistrates may have recourse to a range of measures relating to lodging (children's homes, foster families ...), special educational services and public works projects.

(e) The right to education

16. The right to education is a basic element of the protection arrangements which establish the obligation of public authorities to create and promote the conditions for schooling and the obligation of families to ensure that their children attend school. Under French law, children must attend school until the age of 16. Family allowances are, in principle, dependent on compliance with this regulation.

(f) Efforts to combat extreme poverty

17. In order to protect children in especially difficult circumstances, all countries should establish a strategy for combating extreme poverty. In France, the legislation relating to the minimum integration income is the main pillar of this policy; article 1 of the Act of 1 December 1988 recalls that the right to a minimum income constitutes one of the elements of an overall plan of action to combat poverty designed to eliminate all forms of exclusion; this scheme is based equally on priority educational zones and neighbourhood social development programmes.

B. At the international level

18. France has been a party to the Convention on the Rights of the Child since 6 September 1990. France made a very considerable effort to bring its legislation into line with all the provisions of this instrument. A group of French associations and divisions of non-governmental organizations, coordinated by the Institute for Children and the Family, assists the Office of the Minister of State for the Family with the implementation of the Convention in France.

19. In addition, France actively contributed to the World Summit for Children in New York. In his statement, Mr. Michel Rocard emphasized that the orientation of the Summit and the solemn promise of the participants was to strengthen international cooperation even more.

20. Within the areas of competence of the rapporteur, France is striving to establish cooperation with the developing countries:

(a) Adoption: cf. supra;

(b) Street children: through the organization Partage avec les enfants du tiers monde, France has allocated 1 million francs in assistance (emergency humanitarian fund) to street children in Honduras (street children of Tegucigalpa).

21. France favours increased participation of all the organizations involved in this area. It endorses the idea of entrusting the Centre for Human Rights with primary responsibility for a programme of action in that field, in cooperation with the other organizations concerned (UNICEF, International Labour Office, WHO, Commission on the Status of Women).

22. It is appropriate to recall the importance that France attaches to the expertise of INTERPOL in this field. At the inauguration of INTERPOL facilities in Lyon on 27 November 1988, the President of the French Republic expressed the hope that the organization would give priority to the issue of the exploitation of children in all its forms, as a growing criminal activity to be combated with increased vigour. Mr. Mitterrand called upon INTERPOL to strengthen the Convention on the Rights of the Child with "real and concrete progress in the area of operational cooperation" against sexual slavery and the trade in children, as well as against their use in drug trafficking.

23. France attaches particular importance to coordination with United Nations anti-drug activities since the phenomenon of the use and sale of drugs is closely linked to that of prostitution. In view of that fact, France endorses essentially preventive action, which stresses the role of teaching personnel, parents, etc.

24. Within the framework of the Council of Europe, France participated in the elaboration of a draft recommendation on sexual exploitation, pornography, prostitution, and trafficking in children and young adults. France had earlier participated in the drafting of recommendations of the Parliamentary Assembly of the Council of Europe relating to:

(a) the traffic in children and other forms of exploitation of children;

(b) violence within the family;

(c) societal reactions to juvenile deliquency;

(d) principles concerning the distribution of videogrammes containing violent, brutal or pornographic material.

25. France also participated in the sixteenth Conference of European Ministers of Justice (Lisbon, 1988), at which a resolution on sexual exploitation, pornography, prostitution and the traffic in children and young adults was adopted.

GERMANY

[22 April 1991]
[Original: FRENCH]

A. Statement delivered by Mr. Norbert Blüm, Federal Minister for Labour, in Bonn, on 28 September 1990

The Federal Government contributes to an international programme for the elimination of child labour

1. In a letter sent today to Michel Hansenne, Director-General of the International Labour Office, Norbert Blüm, Federal Minister for Labour, announced the Federal Government's readiness in principle to participate in a multi-year programme of the International Labour Organisation (ILO) for the elimination of child labour by making an annual contribution of DM 10 million.

2. Mr. Blüm pointed out that the Federal Republic of Germany had from the outset contributed to ILO's activities in that field by financing an ILO project for the elimination of child labour in India. In the Minister's view, that project was only a first step, which is now to be followed by others. Every day, millions of children are ill-treated and their labour is brutally exploited. The conditions and structures prevailing in many countries condemn them pitilessly to be the proletariat of modern times. This is what civilized mankind must strive against, so that the stain of child labour is wiped from the face of the earth.

3. Recalling the World Summit for Children held in New York on 30 September 1990, at which the President of the Federal Republic of Germany, Richard von Weizsäcker, delivered a statement, Mr. Blüm expressed the hope that other countries would follow the Federal Republic of Germany's example by making further substantial contributions to ILO to enable it to continue its worldwide campaign against child labour: "If all Member States donated the same amount as we have to the campaign against child labour, in addition to their normal contributions, the Organization would have an additional sum of more than DM 100 million every year".

B. Extent and forms of child labour and status of working children in the Federal Republic of Germany 1/

1. Before taking up the matter before us, it might be as well to shed some light on the historical development of the term "child labour".

2. Strictly speaking, the term "child labour" can be applied only to paid child labour. This form of child labour first played an important role at the time of industrialization when children were paid to work in factories and

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1/ Reply by the Federal Government to the question put to it by Mrs. Schoppes, and the Greens parliamentary group: excerpts from parliamentary paper 11/4695.

mines. The exploitation of industrial workers also extended to children. Sending their children to work in factories was the only way in which working-class families could obtain the basic necessities. Prior to industrialization, however, paid child labour was virtually non-existent. Children began gradually to become integrated into adult life - compulsory education did not yet exist at that time - by helping their parents at home, on the farm or in the workshop and thus learned what they needed to make a living. No one as yet saw the need for regulations for the protection of children.

3. The legal protection of children against the harmful effects of child labour covered only paid work performed in the context of a labour relationship and was designed at first to do away with the worst abuses. The first provision for the protection of labour, namely, the "Prussian instruction governing the employment of young workers in factories" (Regulativ über die Beschäftigung jugendlicher Arbeites in Fabriken), of 9 March 1839, paid labour was completely prohibited only in the case of children under nine years of age and then only in "factories, mines, iron and steel works and ore-crushing plants". It was therefore legal to employ children from the age of 10 onwards in factories for up to 10 hours and younger children in light industry, crafts or commerce with no restriction on working hours.

4. It has taken 150 years since those first beginnings of child labour protection to develop the protection of young workers as it exists today. Present legislation provides for extensive protection against over-exertion and harmful effects. The protection provided is tailored to the stage of development of children and young persons. It guarantees children and young persons sufficient free time for rest and personal development. Legislation on the protection of young workers is designed to protect children against ill-effects on their health or development as a result of working at too early an age, or for too long, or doing work which is too difficult or too dangerous.

5. Today, child labour should be thought of first in terms of forms of child employment which are permissible under the law for the protection of young workers and, by definition, do not come under the prohibition of child labour, such as services performed in the family home, or light work performed occasionally in order to be helpful, in accordance with the rules of family law, in establishments for the assistance of young people or the rehabilitation of handicapped persons; occupational therapy work; work performed as part of a training course in an enterprise while still in full-time compulsory education or in compliance with an educational measure imposed by the decision of a court; employment in light work for a limited period in agriculture, harvesting, delivering newspapers and magazines, services associated with sporting activities, theatrical and other public performances, etc. These forms of child labour are permitted by law and can be considered as broadly accepted by society.

6. On the other hand, the Act for the Protection of Young Workers prohibits on principle the employment of children for pay or to work at home and their employment in occupations similar to those performed by paid workers or persons working at home. The employment of children in such activities means that they are performing prohibited work and the employer is committing an offence under the Act for the Protection of Young Workers.

7. A study of child labour conducted by the Münster labour and manpower inspectorate revealed that 40 per cent of young people between the ages of 14 and 17 earned money from occasional paid employment. In a society often reproached for being excessively materialistic, this figure does not seem surprising. However, what is worth noting is the study's revelation that half of such paid employment would appear to qualify as "unlawful child labour".

8. The Länder, which are responsible for implementing the Act for the Protection of Young Workers, nevertheless state that they cannot confirm such a high proportion of unlawful child labour. However, it is not simply a matter of highlighting the extent of unlawful child labour. The important question is whether the phenomenon qualified as unlawful child labour actually constitutes child labour as defined by Professor H.G. Zenke. According to that definition, child labour exists "when the young person is prompted to work by the material distress of the whole family" and not "when, for example, a student delivers newspapers in the afternoon to make some pocket-money". This basic question can be answered in the negative. Child labour as defined in this way can be considered an exception since, according to the above-mentioned study, "the contribution of earnings to the family budget should be considered an exceptional case".

9. The high level of activity qualified as unlawful child labour may also be explained by the historical development of the protection of young workers. Since the enactment of the Act for the Protection of Young Workers in 1960, not only persons of less than 14 years of age, but all persons in full-time compulsory education, are considered as children. This definition of the term "child" was intended to prevent the energies of schoolchildren from being diverted from their homework and school obligations by paid employment. Until 1960, in most of the Länder of the Federal Republic of Germany, compulsory education ended with completion of the eighth school year, so that young persons having reached the age of 14 were normally considered as no longer being children and, at that age, entered the job market. Since the introduction of a tenth year of compulsory education in North-Rhine Westphalia, persons from 15 to 17 years of age have been considered as still children in that Land, to the extent that they are still in full-time compulsory education. Since the incidence of paid employment is higher the older young persons are, the level of "unlawful child labour" would be appreciably lower in Länder with only nine years of compulsory education. One particularly interesting fact illustrated by the study is that the employment in question is not paid child labour in the strict sense of the term, but occasional paid activity performed by young people of 14 to 17 years of age, in most cases to make extra pocket-money.

10. These necessary qualifications of the above-mentioned study on child labour, however, should not be interpreted as minimizing the importance of its results. The study, like the empirical findings arrived at by the Länder inspection authorities, proves that child labour exists, at least in certain sectors, particularly as far as children of less than 14 years of age are concerned. Wherever child labour exists, there is a concomitant risk to the their health and development. The study can help to educate the public on the problem and in particular on the forms which child labour takes even now; the public support, especially the support of parents and teachers, extended to the Länder authorities is a major prerequisite for achieving the goal of ensuring that paid child labour is a thing of the past.

11. The findings of the Länder inspection authorities' survey of observance of the Act for the Protection of Young Workers show that child labour exists mainly in the following areas: service industries (e.g. tasks associated with activities such as cleaning, odd-jobs, deliveries and baby-sitting); delivery of newspapers and advertising material; jobs in the hotel and restaurant trade and in wholesale and retail businesses, fairs and markets.

12. The following table shows the number of offences against child employment legislation recorded in the various Länder between 1984 and 1988:

Number of offences under child labour legislation

	1984	1985	1986	1987	1988
Baden-Wurttemberg	63	41	29	38	20
Bavaria	65	64	49	39	50
Berlin	18	3	4	4	-
Hamburg	29	30	60	56	42
Lower Saxony	no data	-	-	16	18
North-Rhine Westphalia	116	79	90	62	68

The following three Länder reported the total number of offences under child labour legislation during the same period as follows:

Hessen:	27 offences
Rhineland Palatinate:	8 offences
Schleswig-Holstein:	21 offences

Statistics on convictions for offences under the Act for the Protection of Young Workers are available for 1984-1987. However, they do not distinguish between violations of the prohibition against child employment and other offences under the Act.

1984

Hamburg:	2 fines
North Rhine-Westphalia:	1 correctional sentence

1985

Baden-Wurttemberg:	3 fines
Bavaria:	3 fines
Saarland:	1 fine

1986

Bavaria:	1 correctional sentence

1987

Bavaria:	1 suspended custodial sentence of six months
Hamburg:	1 fine
North Rhine-Westphalia:	3 fines

The normal penalty for an offence under child labour legislation is a fine of between DM 100 and 800.

13. The Federal Government does not share the concern expressed in some quarters about the unlawful employment of thousands of children each year. In any event, young persons realize that the protective legislation is not always applicable and that it is necessary to dispense with the right to social security, contractual wages, protection against dismissal, participation in management, workplace safety, holiday entitlements, etc. Most of the protective legislation in question can be applied only to long-term labour relations, whereas child labour usually involves casual remunerated services.

14. Where children are unlawfully employed on a long-term basis, however, the protective legislation applies to them regardless of any declaration of waiver. The rights established by collective agreement cannot be waived by workers (see art. 4, para. 4, first sentence, of the Collective Agreements Act); nor can they waive the right to holidays or to paid holidays article 13, paragraph 1, third sentence, of the Federal Holidays Act; article 134 of the German Civil Code; ruling of the Federal Labour Court of 31 July 1967, AP No. 2, relating to article 7 of the Federal Holidays Act - Compensation). Declarations of waiver relating to them have no legal force, so that a worker may always demand the rights in question regardless of any prior declaration of waiver. Similarly, the right to protection against dismissal is, according to prevailing thinking, a peremptory right in that any prior waiver or derogating provisions established by contract to the detriment of the workers are without legal force. It is only subsequently, i.e. after giving notice of leaving, that the worker can waive protection against dismissal, just as he is free to refrain from instituting proceedings for protection against dismissal.

15. Under the Act for the Protection of Young Workers, the offer of employment in an enterprise with a view to training is technically permissible - where the persons so employed are still in full-time compulsory education - only as part of an on-the-job training programme set up in accordance with the guidelines established by the ministers of education of the Länder, in cooperation with general education establishments and enterprises, in order to familiarize young people with working life and to help them to choose an occupation.

16. "Probationary employment" or "trial apprenticeships" which exceed these limits and which young people to whom the child labour prohibition still applies might be called upon to do, are opposed by the Federal Government. The Länder adopt the same position, on the grounds that, given the improvement in the market for training opportunities, the commercial practice of asking a young person to work for several weeks without pay in exchange for a possible offer of a place as a trainee has practically died out and that, in the Länder, on-the-job training schemes set up by schools are becoming increasingly important.

17. The provisions of the new 1984 Act for the Protection of Young Workers, under which children in their tenth year of compulsory schooling are allowed to work for a period of four weeks during school holidays, do not constitute

an "authorization of child labour"; what is involved is a strictly limited derogation to enable young people over 15 years of age to do a summer job if they so wish.

18. The Federal Government had proposed that amendment during the deliberations on the first law amending the Act for the Protection of Young Workers of 15 October 1984, primarily in consideration of the fact that North Rhine-Westphalia and Berlin had introduced a tenth year of comupulsory schooling. Since under the 1960 Act for the Protection of Young Workers all persons still subject to full-time compulsory schooling are considered to be children, it was therefore impossible for young people of 15 to 17 years of age to take a job even during the school holidays. This consequence appeared to be at odds with the actual situation, especially since at the time, in 1960, when there were only eight years of compulsory schooling in the Federal Republic of Germany, persons of 15 to 17 years of age had long since either found work or begun vocational training. Thus the fact that young people 15 to 17 years of age are entitled to work for a period of up to four weeks during school holidays under the new regulations implies that the provisions of the Act for the Protection of Young Workers are fully applicable to those young people; the only difference is that they are no longer considered to be children. The implementation of the provisions of the Act means that injuries to health and overwork are excluded.

19. According to information provided by the Länder for the period 1984 to 1988, the inspection authorities agreed to the following applications for derogation provided for in article 6, paragraph 1, of the Act for the Protection of Young Workers:

Granting of derogations in accordance with article 6, paragraph 1 of the Act for the Protection of Young Workers.

	1984	1985	1986	1987	1988
Theatrical performances	774	649	763	616	666
Musical performances and other entertainment	489	364	717	483	479
Publicity events	56	40	57	61	116
Radio recordings	234	226	450	388	414
Audiovisual recordings	132	180	142	163	251
Still and film photography	1 121	2 118	2 483	2 896	2 883

During the above period, a total of 308 applications were rejected, for the following reasons:

age below the minimum age required by law;

negative report by the school or lack of notification by the school that the child's progress at school would not be affected by the work;

adverse medical opinion;

overwork of the child due to work.

The relatively few applications for derogation rejected can be explained by the fact that the competent authorities often meet the applicants in advance, following which the latter withdraw their applications, when the conditions set by law for an authorization to derogate have not been met.

20. With regard to authorized derogations, all the Länder conducted random checks during the period 1984 to 1988. North Rhine-Westphalia reports 255 checks made during that period. Hamburg estimates the number of checks at 200 to 250 per year. According to the information provided by the Länder, the checks indicated few if any breaches. North Rhine-Westphalia reports 35 violations.

21. Hard manual labour in agriculture which might be harmful to children is prohibited. According to article 5, paragraph 3 of the Act for the Protection of Young Workers, the employment of children over 13 years of age is authorized only if the children are employed by their parents or if the parents have consented to their employment and if the tasks in which they are employed are easy and suitable for children. When children are employed in agriculture to do hard manual labour in violation of the abovementioned prohibition, the inspecting authorities of the Länder are responsible for monitoring any difficult, dangerous or otherwise unsuitable work performed in agriculture and proceeding against those responsible for the violations.

22. According to the information provided by the Länder, the inspection authorities highlight the problem of child labour in lectures and workshops, as well as in individual interviews on farms. In doing so, they also appeal for the farmers' and parents' understanding and urge them, stressing the possible long-term effects, not to require or allow activities that exceed the strength of children and young people.

23. The criminal provisions of part XIII of the Penal Code concerning "breaches of the right to decide one's sexual life" are an adequate instrument for the judicial police in effectively combating child prostitution. Protection of youth is covered especially in the provisions of articles 175 and 176, article 180, paragraphs 1 and 2, article 180 (a), paragraphs 2 (1) and (4) and article 182, and also article 181. Article 176 in particular protects children - males and females under 14 years of age - against obscene acts committed by wrongdoers of either sex.

24. In addition, the welfare services for children and young people are responsible for providing individual counselling for the children concerned and their families as well as any educational or therapeutic measures needed. The bill on assistance to children and young people adopted on 29 September 1985 by the Federal Council of Ministers focused on providing assistance to the family, considered to be the only way of tackling the psychological and social causes of child prostitution, and on new forms of intensive and individual support services for young people at risk by social and educational case-workers.

25. In principle, all administrative staff of the labour inspectorate in the Länder perform tasks relating to the protection of young workers, as part of their general inspection activities in the enterprises.

26. In addition, in some Länder, there are labour inspectors in charge of basic issues concerning the protection of young workers: there are 13 in Bavaria, 6 in Berlin, 8 in Hesse, 11 in North Rhine-Westphalia and 4 in Schleswig-Holstein. A determining factor in the efforts to combat unlawful child labour is the frequency of the checks, that is, the degree of probability that checks will be conducted in enterprises to ensure compliance with the Act for the Protection of Young Workers. The higher the number of inspectors checking compliance with the Act, the higher this probability. If there were only a small number of inspectors specializing in the protection of young workers checking the companies, it would be impossible to keep up the current frequency of the checks.

MADAGASCAR

[10 May 1991]
[Original: FRENCH]

Prevention of the exploitation of the prostitution of others

A. Prostitution

1. Prostitution from the viewpoint of criminal law

1. At the criminal level, Malagasy positive law neither regards prostitution as an offence nor encourages it: it is not a violation, and any person engaging in prostitution is not in a de jure but a de facto situation. In other words, there are no legal provisions governing prostitution.

2. Indirectly, however, through articles 354 and 356 of the Penal Code, and as far as minors are concerned, proceedings can be instituted against the sexual partner for corruption of a minor. Thus article 354 in particular stipulates: "Anyone who, by fraud or violence, abducts minors or causes them to be taken away, abducted or removed from where they had been placed by the authority or department responsible for them, shall be liable to a term of imprisonment from 5 to 10 years".

2. Prostitution from the viewpoint of civil law

3. At the civil law level, certain legal provisions provide direct or indirect penalties for certain intentions or attitudes that undermine standards of behaviour. This is true for the following articles in particular:

(a) Article 9 of Ordinance No. 62-041 of 19 September 1962 concerning the general provisions of internal law and private international law, which stipulates that "Special conventions cannot be used to derogate from laws concerning public order and moral standards";

(b) Articles 90 and 92 of Act No. 66-033 of 2 July 1966 concerning the general theory of obligations, which invalidate any legal act whose purpose or cause is contrary to public order or moral standards.

Thus any contract whose purpose is the sale of a person, whether or not for prostitution, is invalidated because it is contrary to public order and moral standards.

B. Exploitation or support of the vice or prostitution of others

4. The punishment of the exploitation or support of the vice or prostitution of others is dealt with in a series of Penal Code provisions in a section entitled "Indecent behaviour", in particular articles 334, 334 bis and 335 of the Penal Code. These articles cover three offences: procuring, incitement of minors to vice and exploitation of disorderly houses.

1. Procuring

5. Articles 334 and 334 bis of the Penal Code classify as offences and punish any acts of procuring that may result from the exploitation of the prostitution of others and the exploitation of unremunerated vice. Article 334 identifies six types of offences that constitute procuring:

(a) Procuring by aid or assistance to or protection of the prostitution of others or soliciting with a view to prostitution;

(b) Procuring by sharing the proceeds from prostitution;

(c) Procuring by living with a person habitually engaging in prostitution;

(d) Procuring by recruiting, training or support for immoral purposes;

(e) Procuring by compelling a person to engage in prostitution or vice;

(f) Procuring by an intermediary function (indirect steps, written or oral intervention, tout, procuress, go-between).

6. The following penalties are provided:

(a) Without aggravating circumstances: six months to two years' imprisonment and a fine of FMG 300,000 to 3 million;

(b) With aggravating circumstances (minor victim, offence involving violence ...): two to five years' imprisonment and a fine of FMG 750,000.

2. Incitement of minors (21 years old) to vice

7. Article 334 bis of the Penal Code classifies this offence and punishes it. The acts in question are those that incite, encourage or facilitate to vice or debauchery persons under 21 years of age, regardless of whether or not they have already been corrupted. A person responsible for such an offence is liable to the same penalty as a person who has committed the offence of procuring (without aggravating circumstances).

3. Exploitation of disorderly houses

8. Article 335 of the Penal Code provides penalties for two separate offences:

(a) The running of a house of prostitution: it should be noted in this case that the offence occurs whether or not the house is open to the public, and whether or not the persons offered to the clients are inmates or come from outside.

(b) The regular presence of persons engaging in prostitution in certain places open to the public: the criminal nature of the offence shall apply to all acts or attitudes by any owner, manager or employee of a hotel, boarding house, club, dance hall, etc., who does not object to the regular presence of one or more persons engaging in prostitution on the premises, whether or not the prostitute is a client, tenant, servant or employee.

9. In both cases, the penalty laid down is the one mentioned in article 334 bis: two to five years' imprisonment and a fine of FMG 750,000 to 7.5 million. The law also provides certain additional penalties (withdrawal of permit, closing of the establishment).

C. Obscene documents

10. The dissemination of obscene documents such as pornographic magazines and erotic or pornographic films constitutes the offence of a public act of indecency, as classified and punished in Ordinance No. 75,015 of 7 August 1975 concerning the suspension of newspapers and periodicals whose publication might disturb public order, jeopardize national unity or undermine accepted standards of behaviour.

NORWAY

[23 April 1991]
[Original: ENGLISH]

A. Legislation and police work

1. On 23 January 1952, Norway ratified the United Nations Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, adopted by the General Assembly on 2 December 1949 and opened for signature on 21 March 1950. Exploitation of the prostitution of others is prohibited in Norway. (Section 206 of the Norwegian Penal Code provides that a person who promotes the prostitution of others may be punished with fines and up to five years' imprisonment). Prostitution itself, and being the customer of a prostitute, is not prohibited.

2. In 1982 there was established a separate unit within the police in Oslo consisting of four persons who deal exclusively with tasks related to prostitution. The unit keeps the street prostitution under surveillance and, among other things, cooperates with the social authorities to combat child prostitution. When the police discover a child prostitute on the streets, the child is brought in contact with the authorities who will try to give appropriate help, for instance concerning problems in the family, in school, as to drugs, etc. The other main task of the unit is to investigate the exploitation of the prostitution of others. Recently, prostitution carried out by women from developing countries coming to Norway on three-month tourist visas, and who are being heavily exploited by the organizers of such activity, has become an increasing problem which the police are actively combating by trying to find the "men in the back". Trafficking in persons does not appear to be a problem in Norway. Such activities would be liable to punishment according to relevant provisions of the Penal Code.

B. Informing prostitutes about AIDS

3. Prostitutes receive information on HIV/AIDS partly from extensive campaigns directed towards the entire population, and partly from contacts with the health and social services. In the largest cities, street social welfare workers are, inter alia, distributing information on HIV/AIDS to prostitutes. In Oslo, the city believed to have the largest prostitution problem, peer education on HIV/AIDS is used, i.e. prostitutes or ex-prostitutes are trained by the authorities to inform other prostitutes about HIV/AIDS and the necessary precautions. It should also be mentioned that a separate campaign has been targeted at those who buy the services of prostitutes.

C. Status of projects carried out in four cities

4. At a conference held in 1988, the following results from the four projects were presented:

(a) Trondheim: for different reasons, the project was not completed. The project revealed, however, that many prostitutes had been sexually abused as children and had not received adequate help. The project led to the establishment of an incest centre in Trondheim;

(b) Oslo: outdoor prostitution was found concentrated in certain areas of the centre of Oslo. The project came into contact with 86 prostitutes (women). Most prostitutes were under the age of 25. A number of the prostitutes came from outside Oslo. Prostitutes from the lower social classes were overrepresented; many had a troubled background. Childhood was often characterized by neglect or maltreatment, including sexual abuse. Most of the women suffered from different wants: lack of suitable work, lack of adequate housing, lack of a social network. Of the 86 prostitutes, active assistance was given to 19 women under the age of 18. Of these, 11 had dropped out of primary school or had had their primary education at special State schools for maladjusted youth; 16 had or had had serious drug problems, 2 serious alcohol problems. Almost every woman had health problems. Most had received psychiatric treatment and received economic assistance from local social welfare agencies. The experience with a special team working with the prostitutes was mixed, mainly due to somewhat unclear division of responsibility in relation to parts of the established welfare services;

(c) Stavanger: 11 women were observed over a period of 13 days in the central parts of Stavanger in situations considered to involve prostitution. It was, however, believed that prostitution in Stavanger had a more hidden nature than in other cities due to greater stigmatization. It proved difficult to detect prostitution in restaurants and hotels, although the project members had received information from the employees that prostitution was taking place. The extent of prostitution in Stavanger was in general difficult to assess. The youngest woman the project came in contact with was 14, the eldest 29. An inquiry into the social welfare offices revealed a total of 12 clients registered at one point as prostitutes and another 30 believed to be prostitutes. Only a few social workers said they brought up prostitution in their meetings with clients;

(d) Bergen: 53 outdoor prostitutes were contacted during a four-month period. The prostitutes' activities were concentrated in the central parts of Bergen, but spread over a relatively large area. In comparison with findings in other projects, it was found that the prostitutes in Bergen were relatively younger (17-20 years). It was also found that, surprisingly, many came from apparently resourceful families. Slightly below 50 per cent of the prostitutes said they had heavy alcohol and/or drug problems. About 40 per cent were without any employment or schooling. Most of these also had a drug/alcohol problem. An inquiry revealed that different parts of the general health and social welfare services only got in contact with the prostitutes in connection with problems other than prostitution. In general, few welfare officers worked with prostitution as a specific problem. It was found that prostitution was regarded as a severe problem in only 16 out of 78 contacts with clients who were known to be prostitutes. It was generally agreed that the efforts towards dealing with prostitution were insufficient.

(e) General: information and education were a part of the project in Oslo, Bergen and Stavanger. For all four projects, it can be said that, in focusing on the problem of prostitution, they led to a greater awareness of the extent of the problem and a greater understanding of prostitution as a phenomenon including, inter alia, the relation between sexual abuse and prostitution. The projects led to a discussion whether or not specific aid measures for prostitutes should be implemented, temporarily or on a permanent basis, in addition to the general welfare services. The central Government's policy is that the different needs of the prostitutes should still be the responsibility of the general health and social welfare services. This, however, does not preclude specific measures directed towards this group established within these services. In the largest cities this is done to some extent.

D. Present efforts to combat prostitution

5. The general health and social welfare services at the local level are supposed to assist in the rehabilitation of prostitutes. In practice, this is done on an individual basis. The Social Care Act of 1965 provides the municipalities with the possibility of giving different kinds of assistance, such as advice and financial support. The kind of help the prostitutes will receive will depend, inter alia, on the individual situation of the prostitutes and on the resources available in the municipality in general. Prostitutes who are at the same time alcohol or drug abusers are entitled to assistance from the specialized drug treatment and rehabilitation services, which include vocational training and rehabilitation. An action plan launched by the central Government for the period 1988-1992 includes, inter alia, plans for the establishment of a number of new institutions for the rehabilitation of drug abusers, with a total capacity of 300-350 clients per year.

6. Few specific measures for the rehabilitation of prostitutes exist in Norway, since the general policy is that prostitutes should benefit from the general health and social welfare services. The municipality of Oslo has, however, a separate centre for prostitutes (PRO-senteret). The centre's main tasks are street work amongst the prostitutes, advice and counselling. The centre cooperates with other parts of the private and public health and social welfare services. The PRO centre is given financial aid by the State. Further, the Church City Mission Foundation (Stiftelsen Kirkens Bymisjon) began in 1990 to run a "night home" for prostitutes in Oslo, with eight beds. The foundation is private, but is given financial support from the State for this specific project.

7. It seems both from the above-mentioned projects and other experiences that both the health and social welfare services often overlook the fact that their patients/clients may have a prostitution problem. If the personnel suspects that their patients/clients may have such a problem, they may be reluctant to bring up the question because of its sensitive character or a lack of experience in handling such problems. It is believed that this is a hindrance to effective rehabilitation of prostitutes.

8. The Ministry of Health and Social Affairs now prepares a pamphlet on prostitution to be used by personnel in the municipalities as well as by the

health and social institutions (administered by the counties) who are likely to be in contact with prostitutes. Emphasis is put on prostitution as a phenomenon and methods used in the rehabilitation of prostitutes. The Ministry is also at present arranging seminars on prostitution problems for the different counties (regions) in Norway. Representatives from relevant local authorities and private organizations will be invited. Further measures for the prevention of prostitution are at present under consideration. The central Government has further given financial support to different research projects within a general research programme with regard to the maltreatment of women. The programme also includes projects related to prostitution.

YUGOSLAVIA

[14 May 1991]
[Original: ENGLISH]

Outline of Yugoslavia's legislation and experiences in dealing with child prostitution, adoption of children for commercial purposes, child pornography and related problems

1. Protection of children from sale, prostitution and pornography and their adoption for commercial purposes are regulated by the Constitution of the Socialist Federal Republic of Yugoslavia, republic and provincial Constitutions, and republic laws and other regulations in the field of criminal and family law.

2. The relevant provisions of all these constitutions determine, by and large, the status of children in society and the responsibilities of the community and parents to children. They stipulate that the community should protect maternity, children and the young and create social, cultural, educational, material and other conditions to enable children to realize their right to a decent living. Parents have the duty to ensure their child full and harmonious development of its person. This means that all have the duty to protect any child, be it healthy or sick or physically or mentally handicapped, socially neglected or parentless or lacking proper parental care. It is further provided that children cannot be employed before legally coming of age, nor can they be forced or allowed to work if that work presents a health risk. The relevant provisions of republic and criminal codes define abuses of children for prostitution and pornography and their sale or adoption for commercial purposes as criminal offences and penalize them. Penalties are also imposed for violation of a child's dignity and morals; sexual assault on and carnal knowledge of a minor; contracting marriage and raising a family with or living in extra-matrimonial cohabitation with a minor; child molestation and neglect; breach of family duties; avoidance of support and for incest; on parents, foster or adopted parents, guardians or other persons who abuse minors or force them to perform a job that does not correspond to their age or who incite them to mendicancy or commission of other acts harmful to their development and against their interest. If a child's health has been gravely harmed as a result of the commission of such an act or if a child has taken to prostitution or engaged in criminal or any other asocial behaviour, the wrongdoer shall be punished by a prison term of six months to five years.

3. The problems of sale of children, child prostitution and pornography are very much related to inadequate parental care. Of particular relevance in this respect are the republic and provincial marriage and family acts aimed at protecting the image of the child and limiting or denying completely parental rights in cases where parents failed or are likely to fail to perform their duties. This legislation provides for two measures of a preventive nature and several other measures greatly limiting, or preventing altogether, parents from exercising their rights and duties, namely:

(a) If the legitimate interests of the child so require, the responsible authority will warn the parents of inadequacies in their bringing-up of children; if parents continue to maintain the same attitude, the authority will decide to permanently supervise the way in which the parental right is to be exercised. Throughout the period of permanent supervision, this authority shall advise or in other ways assist parents in exercising their parental rights;

(b) If parents have greatly neglected the upbringing and education of the child or if these are seriously endangered, the responsible authority will deprive them of custody and entrust it to other persons or institutions. The deprivation of the right to child custody and upbringing does not mean an end to other rights and duties;

(c) A parent abusing his/her parental right or grossly remiss in his/her parental duties shall be denied that right by a court in extra-litigious proceedings. A parent who is grossly remiss in parental duties is one who has abandoned the child, who has shown by his/her attitude over a period of six months or more that he/she is negligent of the child, who does not live with the child or who has become fully negligent of the basic needs of the child who lives with him/her.

These measures have in recent years been enforced by some republics and provinces. They are decided by the responsible authority or a court at the initiative of the school, kindergarten, health institutions, citizens and other elements of society, i.e. a wide range of people who communicate with the child.

4. The abuse of children for the purposes of prostitution, pornography and sale is haphazard and occurs more often than not as procuring or pandering and incitement to stealing or mendicancy. Abuses of this kind are most frequent among the Romany population and until a few years ago this problem was very widespread in some parts of the country. Over the last six years particularly evident has been the smuggling of children and teenagers by their parents or other persons into foreign countries, especially into Italy, where they engage in mendicancy, stealing and other petty crime for the benefit of their "bosses", or are sold outright. This chain has been discovered and interrupted; measures have been taken to prevent such occurrences and to punish the offenders. No case of child pornography has been registered with the Yugoslav authorities to date. So far, child molestation has been overshadowed by other social problems; therefore, the questions related to its scope, form, manifestation and consequences are yet to be properly addressed.

5. As for the problem of adoption of children for commercial purposes, it can be safely averred that such abuses do not occur among children adopted by Yugoslav citizens. This means that adoption of children in Yugoslavia is regulated by marriage and family laws which are very strict in determining the conditions and adoption procedures. These laws provide for a very thorough examination of each particular adoption case, its benefits to the child to be adopted, the motivation of prospective foster parents and their suitability. This determination is made by authorized persons including lawyers, psychologists, social workers and, if necessary, psychiatrists and pedagogues. As a rule, children to be adopted possess no property; even if they do, it cannot be sold or otherwise disposed of without the consent of the responsible authority until the child reaches the age of maturity. Even then, foster parents can expect no material gains therefrom.

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Working Group on Contemporary Forms
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Items 4 and 5 of the provisional agenda

PREVENTION OF TRAFFIC IN PERSONS AND THE EXPLOITATION OF THE PROSTITUTION OF OTHERS

REVIEW OF DEVELOPMENTS IN OTHER FIELDS OF CONTEMPORARY FORMS OF SLAVERY

Information submitted by Governments, United Nations organs, specialized agencies and intergovernmental organizations

Note by the Secretary-General

Addendum

Information received from the International Labour Office

GE.91-12258/6603a

INTERNATIONAL LABOUR OFFICE

[19 June 1991]
[Original: French]

1. Child labour

1. Since the last ILO report, the Minimum Age Convention, 1973 (No. 138) has been ratified by two States (France: specified minimum age: 16 years; Mauritius: specified minimum age: 15 years), bringing the total number of ratifications to 40.

2. The ILO intends to make greater efforts to combat child labour; they will depend on the concerted utilization of all the resources available to it including technical cooperation, in support of the basic standards. Thus, an interdepartmental project on "The Elimination of Child Labour" seeks to promote ratification and broader respect for the international labour standards concerning child labour. More specifically, the programme has the following objectives:

(a) To enhance the capability of States members to prepare and implement policies and programmes that would make it easier for them to narrow the gap between legislation and national practices;

(b) To identify the options and strategies of principle and the practical measures which the ILO constituents would adopt in their campaign to combat child labour, including the elaboration of improved methods and instruments to enforce national legislation;

(c) To alert still further the States members of the ILO and the international labour community as a whole to the extent and consequences of child labour as well as to the obligations stemming from international labour legislation for each country.

3. In its resolution 1990/30, the Sub-Commission on Prevention of Discrimination and Protection of Minorities invited the Secretary-General to recommend to the International Labour Organisation to consider the possibility of holding a seminar or workshop on debt bondage, in relation to and coordination with other organizations and agencies of the United Nations system. Consultations on the organization of such a seminar or workshop are currently being held between the International Labour Office and the United Nations Secretariat; it should be possible to communicate more specific information to the Working Group during its sixteenth session or to the Sub-Commission at its forty-third session.

2. Developments with respect to specific situations in fields of concern to the Working Group

4. Brief descriptions are given below concerning developments in cases commented upon in 1991 by the Committee of Experts on the Application of Conventions and Recommendations.

(a) Bonded labour in India

5. The Committee of Experts recalls, in its 1991 observation on the implementation of the Forced Labour Convention, 1930 (No. 29), that the system of debt bondage was abolished in India in 1976, but notes that implementation of the legislation and in particular the number of identifications, releases and rehabilitations of bonded labourers has slowed down, as had been noted by a subcommission of the Parliamentary Advisory Committee to the Ministry of Labour. Further, with reference to the discussions that took place in the Working Group on Contemporary Forms of Slavery at its fourteenth and fifteenth sessions, the Committee of Experts requests the Indian Government to provide detailed information on the abolition of bonded labour in practice and more particularly on the role of the vigilance committees in identifying bonded labourers, on the implementation of the plan to secure the cooperation of voluntary agencies, on the rehabilitation programme and on the incorporation of this programme into other programmes to combat poverty, on the proposal made by the Anti-Slavery International for the Protection of Human Rights that a national committee on bonded labour should be set up. Emphasizing that under article 25 of the Convention, the illegal exaction of forced or compulsory labour shall be punishable as a penal offence and the Government must ensure that the penalties imposed by law are really adequate and are strictly enforced, the Committee of Experts requests the Government to provide detailed information on the proceedings instituted and the penalties applied.

6. The Committee of Experts refers in particular to the bonded labour of children: it has taken note of the reports of the Working Group at its fourteenth and fifteenth sessions which refer to information provided by Anti-Slavery International for the Protection of Human Rights concerning the exploitation of child labour related to debt bondage in the South Asian countries and set out in the report of the South Asian Seminar on Child Servitude, held in June-July 1989. This information relates to children who are compelled to perform many tasks in inhuman and dangerous conditions and states that debt bondage, force or coercion are features of almost all forms of child labour. The Committee of Experts notes that, in agriculture as in other sectors, according to estimates given in the report, several million children, aged from 5 to 14, are condemned to a life of drudgery in the agricultural sector, around one million in brick-making, quarrying and building, hundreds of thousands in carpet-weaving, hand loom weaving, the match and firework industry, glass making and the toy trade, the cutting and polishing of diamonds, as well as in metal work. Child bondage and the forced labour of children are accompanied by the trade in and kidnapping of children, punishment, beatings, sexual exploitation, deprivation of food, and excessive hours of work, deprivation of the freedom of movement, unhealthy and dangerous working conditions, rendering children liable to serious health problems. The Committee of Experts, recalling the aforementioned article 25 of the Convention, requests the Indian Government to provide detailed information on the measures taken or envisaged to abolish the exploitation of child labour.

(b) Debt bondage in Pakistan

7. The Committee of Experts had noted, in its 1990 observation on the implementation of the Forced Labour Convention, 1930 (No. 29) that, according to the above-mentioned report of the South Asian Seminar on Child Servitude,

there was large-scale exploitation of bonded labourers in Pakistan. After analysing three decisions handed down by the Supreme Court concerning enforcement of the fundamental rights of bonded labourers in the brick-kiln industry, it had expressed the hope that the necessary measures would be taken to eradicate forced and bonded labour in practice as well as in law, both in the brick-kiln industry and in other spheres of activity.

8. In its 1991 observation, the Committee of Experts notes the information provided by the Government to the Committee on the Application of Standards of the 1990 Conference to the effect that a decision had been taken to abolish bonded labour by means of a law which will guarantee total freedom to bonded labourers. Under this law, bonded labourers would be freed from any compulsory labour; the law would make provision for all contracts, customs, traditions, practices or agreements creating obligations for bonded labourers or their families, whether concluded or in force before or after the entry into effect of the law to be declared null and void. Moreover, any obligation on the part of the bonded labourers to repay a debt or part of a debt would be deemed to be extinguished. Infringements of the law would be punished by substantial fines and penal sanctions. Bonded labourers working after the entry into effect of the law would be paid at the standard rate and local surveillance committees would monitor the implementation of the law. The Committee of Experts expressed the hope that the Government will provide information on the measures taken in that regard.

(c) Bonded labour in Peru

9. The Committee of Experts in its 1991 observation concerning the implementation of the Forced Labour Convention, 1930 (No. 29) recalled that for a number of years it has requested the Peruvian Government to provide information on the working conditions of persons employed under the enganche system, which is a system of exploitation of indigenous labour manipulated so as to become indebted by means of advances furnished by the employer in the form of implements, meals or money to enable the worker to cut wood and, in theory, use it to pay off the initial debt and to maintain his family. Compelled in this way to repay an initial advance, to which interest is added, the workers are victims of the vicious circle of exploitation and poverty, permanent conditions of their lives. Noting allegations describing specific cases of this situation, the Committee expresses the hope that the Government will take the necessary measures to investigate the various situations reported and, if need be, impose the appropriate penalties, in accordance with article 25 of the Convention, and that it will provide detailed information of the measures taken.

(d) Slavery in Mauritania

10. In its 1991 observation concerning the implementation of the Forced Labour Convention, 1930 (No. 29), the Committee of Experts noted that the report of the Government did not contain any answer or information corresponding to the requests it had made. As in its previous observations, the Committee is concerned as to whether in practice slavery has been effectively abolished. It once again requests the Government to supply

detailed information on the measures taken or envisaged to implement the decisions to abolish slavery, the results achieved and the penalties imposed for failure to respect the provisions abolishing slavery.

(e) Exploitation of child labour in Thailand

11. In its 1990 observation concerning the Forced Labour Convention, 1930 (No. 29), the Committee of Experts, referring to its previous comments on the exploitation of child labour, considered that the information submitted by the Government on inspections carried out and action taken against employers for child abuse was somewhat limited in scope and the pecuniary sanctions applied not commensurate to the physical and moral harm incurred by the children in comparison with the benefits which an employer can expect to gain by the illegal use of child labour. The Committee recalled that under article 25 of the Convention, the Government must ensure that the penalties imposed by law are really adequate and are strictly enforced.

12. In its 1991 observation, the Committee, recalling its previous comments, took note of information provided by the Government to the Committee on the Application of Standards of the 1990 Conference on certain measures taken to preventing the sale and purchase of children and on the draft to review the law on the abolition of licensed brothels. The Committee of Experts requests the Government of Thailand to provide detailed information on the application and implementation of the various measures related to the implementation of the Convention, recalling that under article 25 of the Convention, Government must ensure that penalties imposed by law are really adequate and are strictly enforced.

(f) Employment in sugar-cane plantations in the Dominican Republic

13. In the comments it has made since 1984, concerning the implementation of the Abolition of Forced Labour Convention, 1957 (No. 105), the Committee of Experts has drawn attention to the urgent need to take measures to ensure the observance of the Convention in sugar-cane plantations and to end the abuses committed against Haitian workers, in accordance with the recommendations made in 1983 by the Commission of Inquiry set up to examine the implementation of the Convention. The Commission of Experts referred to three groups of priority measures:

(a) The regularization of the status of Haitians who have lived and worked in the country for a given period of time and the issue of identity papers to persons born in the Dominican Republic;

(b) The regularization of the hiring procedure and residence in the country of workers entering the country to work on the sugar-cane harvest;

(c) Protection by the competent authorities of the rights and freedoms of workers, i.e., in particular, measures to prevent round-ups of persons for work in plantations and to ensure the implementation of labour legislation in plantations.

14. In its 1990 comments, the Committee of Experts expressed its extreme concern at the contradiction between the stated intentions of the Government regarding the measures it intended to take and the absence of any information indicating that real progress has been achieved in respect of the implementation of measures to ensure the observance of the Convention. For its part, the Committee on the Application of Standards of the seventy-seventh International Labour Conference, June 1990, noted with grave concern the continued failure over several years to eliminate serious deficiencies in the application of the Abolition of Forced Labour Convention, 1957 (No. 105) (as well as in the application of the Protection of Wages Convention, 1949 (No. 95)).

15. In its 1991 observation, the Committee of Experts takes note of the report submitted by the direct contacts mission which, at the request of the Government, visited the Dominican Republic from 3-21 January 1991. The Committee takes note with interest of the adoption of Decree No. 417/90 of 15 October 1990, the provisions of which relate to the regularization of the situation in the country of Haitian citizens, to the establishment, in the plantations, of special offices responsible for applying the labour contracts and for ensuring their strict observance and respect for the human rights of Haitian workers. Moreover, the aforementioned decree makes it incumbent upon the Ministry of State for Labour to inform the International Labour Office regularly about compliance with the provisions contained in the decree and in any text relating to the protection due to these workers.

16. The Committee of Experts notes with interest the legislative and administrative measures that have been taken in response to the various recommendations made by the Commission of Inquiry and the comments by the Committee of Experts whose practical application could result in notable progress in improving the situation of the Haitian workers. The Committee also notes the improvements that have occurred in respect of the demilitarization of the "bateyes", the decrease in round-ups and the use of better methods of transport.

17. The Committee of Experts notes, however, the persistence of problems which call for energetic and sustained action by the authorities. The Committee requests the Government to provide information on the steps taken to supplement and make effective those measures that relate to the regularization of the situation of Haitian workers entering the country to work on the harvest, of those who reside in the country permanently and the descendants of Haitian citizens born in the Dominican Republic, as well as the regularization of the hiring procedure. The Committee also requests the Government to provide information on any measure taken to ensure respect for the provisions of the labour contract and the rights and freedoms of workers, particularly freedom of transit, respect for physical and moral integrity and the freedom to terminate the labour relationship, as well as the implementation, in conditions of equality, of labour legislation.

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PREVENTION OF TRAFFIC IN PERSONS AND THE EXPLOITATION OF THE PROSTITUTION OF OTHERS

REVIEW OF DEVELOPMENTS IN OTHER FIELDS OF CONTEMPORARY FORMS OF SLAVERY

Information submitted by Governments, United Nations organs, specialized agencies and intergovernmental organizations

Note by the Secretary-General

Addendum

The present document contains the information received from the Government of Thailand.

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THAILAND

[28 June 1991]
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Information paper on the prevention of traffic in persons and the exploitation of the prostitution of others*

1. Prostitution, often considered to be one of the oldest professions in the world, is not a modern phenomenon nor is it confined to any one particular society. It is an omnipresent problem that has existed in all civilizations throughout history, and can be found today in all societies, affluent or otherwise.

2. In the twentieth century, however, the problem of prostitution seems to be more pronounced in developing countries. A growing number of persons in developing countries have resorted to prostitution as a means to earn a living, due to a variety of complex socio-economic problems that cannot be completely solved without the sympathy and the understanding of society. Given the modern conveniences of overseas travel, the existing demand for the services of prostitutes and the relatively high payment in return for sexual favours of prostitutes in developed and some developing countries, women from developing countries are constantly being lured into the international sex trade, becoming prey to and victims of syndicates whose networks and operations transcend national boundaries.

3. Despite progress achieved in the area of economic development and the relatively high rate of literacy in Thailand, the problem of prostitution still persists and, along with the AIDS problem, is considered to be one of the biggest social problems facing the country. Studies undertaken by Thai authorities indicate that poverty and under-education are the most compelling reasons for the decision to engage in prostitution. Given the fact that some 78 per cent of the rural Thai population are either employed in the low-income earning agricultural sector or make a living as low-skilled labourers, thus facing the challenge of making ends meet on a daily basis, women and children are often compelled to look for work to supplement their family income. Since many of them are under-educated and do not have the necessary skills and training to seek normal employment, a number of them find prostitution to be a convenient and financially rewarding form of employment and a tempting alternative to poverty. A host of socio-economic factors appear to lie at the root of the problem. At the macro-economic level, for instance, the prevailing depressed prices for primary commodities in the world market, uneven distribution of wealth and high unemployment rate in certain sectors of the rural economy have given rise to situations of extreme economic hardship for the rural population. Without adequate employment opportunities in the rural areas members of rural families migrate to the city to seek employment,

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* Information contained herein has been furnished by the Ministry of Interior (Department of Labour, the Royal Thai Police Department and the Public Welfare Department), the National Youth Bureau and the National Committee for the Promotion and Coordination of Women of Thailand. Translations from documents in the Thai language into English are unofficial.

leading to the breaking up of the family unit and the moral values and self-respect that have been traditionally cultivated and nurtured at the family level.

4. In Thailand, attempts to solve the problems of prostitution, the exploitation of prostitutes and the traffic in women and children have been launched at all fronts. Successive Governments of Thailand continue to tackle these problems through legislative actions, law enforcement activities and a variety of socially oriented programmes. In so doing, they have increasingly sought and received active cooperation from local and foreign private organizations.

5. Within the Thai legal system, there exists a number of legislations which are designed to prevent the traffic and the exploitation of women and children for sexual purposes. Those that are directly designed to deal with the problem include the following:

(a) The Sale of Women and Children Act of B.E. 2471 (1928), which is still in force today, prohibits the bringing into and the taking out of Thailand women and children for the purposes of prostitution;

(b) The Immigration Act of B.E. 2522 (1979) which, inter alia, prohibits entry into the Kingdom of Thailand of foreigners who are deemed, on reasonable grounds, to be motivated to enter the Kingdom for the purposes of engaging in prostitution or in the trafficking in women and children. It also authorizes the withdrawal of stay permits of foreigners residing in the Kingdom who are suspected of engaging in prostitution or in the trafficking in women and children;

(c) The (8th) Amendment of the Criminal Procedure Code of B.E. 2530 (1987) is one of the most important legal instruments for the prevention and suppression of trafficking in women and children, and is directed specifically at the suppression of those who are engaged in the traffic in women and children, the exploitation of prostitutes and the traffic in sex-related paraphernalia. Those who are found to encourage others into prostitution, whether by inducement, trickery or use of force, face imprisonment of up to a maximum of 10 years and/or a fine up to 20,000 Baht (approximately $US 800). Punishments are heavier if the victim induced, lured or forced into prostitution is under 18 years of age, and increase with the decreasing age of the victim. Parents involved in selling their children also face punishment under the law while the act of engaging in sexual intercourse with persons under 15 years of age has also been made illegal;

(d) The Prohibition of Prostitution Act of B.E. 2503 (1960) provides for the punishment of all persons involved in the business of prostitution, except the client of the prostitute.

6. Legislation that indirectly prohibits the trafficking in persons and the exploitation of women and children includes the following:

(a) Entertainment Establishments Act of B.E. 2509 (1966) does not authorize those who apply to establish entertainment places to make prostitution available on the premises of the establishment. It also defines

the attributes of those who are eligible to apply for the establishment of entertainment places, to exclude those who have been convicted of sex-related offences, or for breaking laws contained in the Sale of Women and Children Act and Prohibition of Prostitution Act;

(b) The Ministry of Interior Announcement of 18 January 1990 relating to the protection of child labour, apart from raising the minimum age of employment to 13 years also prohibits employees from employing children between the ages of 13 and 18 to work in dance halls, massage parlours, or in certain adult establishments where escorts and partners are employed.

7. Policies developed by the Royal Thai Government have become comprehensive in scope, incorporating both short-term and long-term measures. These policies are currently found within the coordinated plan of action to prevent and to solve the problem of prostitution devised by the National Committee for the Promotion and Coordination of Women of Thailand.

8. Short-term measures undertaken by the Royal Thai Government include, inter alia, prevention through discouragement; encouragement of the private sector, local and foreign private organizations and the media to monitor incidents of prostitution, traffic in women and children and exploitation of the prostitution of others; public education programmes to inculcate in women the fact that prostitution is not the only alternative to making a living; intensification of law enforcement, particularly in the suppression of those who exploit prostitutes or traffic in women and children; launching of vocational training programmes for women, children and prostitutes; and rehabilitation programmes for prostitutes designed to foster their return to society. Efforts are currently being undertaken to introduce or amend existing legislation relating directly or indirectly to the problem of prostitution, traffic in women and children and the exploitation of the prostitution of others.

9. Long-term measures are geared towards increasing the level of compulsory education, the availability of primary education in rural areas, the minimum employment age, and the protection of child labour. In addition, the Royal Thai Government has undertaken to adopt policies aimed at a more equitable distribution of income, particularly to the rural areas, job creation programmes and raising public consciousness of the problem.

10. To ensure the successful implementation of these policies, Thai agencies concerned, including the Labour Department, the Royal Thai Police Department and the Department of Public Welfare of the Ministry of Interior of Thailand have attached high priority to the prevention and suppression of prostitution, particularly child prostitution and those who exploit prostitutes. The Royal Thai Police Department, for example, has impressed upon law enforcement officers that the purpose of arresting prostitutes is not to put on record the number of prostitutes arrested, but rather to seek the cooperation of the prostitutes in bringing pimps and racketeers to justice. The Public Welfare Department, apart from preventive activities and providing welfare and counselling to women and children in order to prevent them from engaging in or turning back to prostitution, have also taken on the additional responsibility of cooperating with the authorities concerned in investigating alleged incidents of traffic in women and children. For example, in February of 1989,

the Public Welfare Department was instrumental in investigating and bringing to justice two Western foreigners who had organized sex tours involving children.

11. The National Youth Bureau and the National Committee for the Promotion and Coordination of Women of Thailand have been playing a lead role in examining and analysing the problem of prostitution and the traffic in women and children, and providing the Royal Thai Government with policy recommendations and views on policy coordination.

12. In view of the current AIDS problem, the international sex trade can be regarded as a vehicle for the spreading of the virus, threatening the health of the international community. It is therefore incumbent upon the international community to address the problem of prostitution in a comprehensive manner, addressing the problem not only from a legal or human rights angle but also from the socio-economic and psychological perspectives.

13. Thailand is pleased that the main theme to be singled out for attention at the sixteenth session of the Working Group on Contemporary Forms of Slavery concerns the prevention of traffic in persons and the exploitation of the prostitution of others, since it is a timely issue that needs to be addressed systematically and comprehensively at the international level. The Royal Thai Government appreciates the opportunity to provide the Working Group with information concerning the views and the efforts of the Royal Thai Government in addressing this problem.